

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION

Mark Jackson,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Civil Action No. 4:09-729-TLW-SVH
	)	
AVX Corporation, a Kyocera Group	)	
Company,	)	
	)	
Defendant.	)	<b>ORDER</b>
	)	
_____	)	

Plaintiff, Mark Jackson, (“plaintiff”), brought this employment discrimination case alleging he was unlawfully terminated in violation of the Americans with Disabilities Act (“ADA”), 42, U.S.C. §§ 12101 et. seq., and of the Age Discrimination in Employment Act of 1967 (“ADEA”), 29 U.S.C. §§ 621 et. seq.

This matter now comes before this Court for review of the Report and Recommendation (“the Report”) filed by United States Magistrate Shiva V. Hodges, to whom this case had previously been assigned. In the Report, the Magistrate Judge recommends that the defendant AVX’s Motion for Summary Judgment, (Doc. # 16), be granted and this case be dismissed in its entirety. (Doc. # 32). Objections to the Report were filed on July 26, 2010. (Doc. # 33). A Reply to the Objections was filed by AVX on August 9, 2010. (Doc. # 36). In conducting this review, the Court applies the following standard:

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections...The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a *de novo* determination of those portions of the report or specified findings or recommendation as to which an objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to

those portions of the Report and Recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed, in either case, the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

Wallace v. Housing Auth. of the City of Columbia, 791 F. Supp. 137, 138 (D.S.C. 1992)

(citations omitted).

In light of the standard set forth in Wallace, the Court has reviewed, de novo, the Report and the objections. Additionally, this Court has reviewed the defendant's Reply to the objections. After careful review of the Report and objections thereto, the Court **ACCEPTS** the Report. (Doc. # 32). Therefore, the defendant's motion for summary judgment is **GRANTED**, (Doc. # 16).

**IT IS SO ORDERED.**

s/Terry L. Wooten  
TERRY L. WOOTEN  
United States District Judge

September 30, 2010  
Florence, South Carolina